180 Fed.Appx. 903, 2006 WL 1428265 (C.A.11 (Fla.))
(Cite as: 180 Fed.Appx. 903)

Briefs and Other Related Documents
Alkov v. City of Miami BeachC.A.11 (Fla.),2006.This case was not selected for publication in the Federal Reporter.Please use FIND to look at the applicable circuit court rule before citing this opinion. Eleventh Circuit Rule 36-2. (FIND CTA11 Rule 36-2.)

United States Court of Appeals,Eleventh Circuit.
Jacob ALKOV, Plaintiff-Appellant,
v.
CITY OF MIAMI BEACH, Defendant-Appellee.
No. 05-15696
Non-Argument Calendar.

May 24, 2006.

Thomas John Butler, Thomas Butler, P.A., Miami Beach, FL, for Plaintiff-Appellant.
Sheri A. Sack, Miami, FL, for Defendant-Appellee.

Appeal from the United States District Court for the Southern District of Florida. D.C. Docket No. 05-20304-CV-PAS.

Before ANDERSON, BIRCH and BARKETT, Circuit Judges.
PER CURIAM:
**1 Upon *de novo* review of the record in this case, we affirm the district court's dismissal of Jacob Alkov's complaint that Defendant's rejection of certain applications submitted under the City's Nonprofit Vending Ordinance ("the Ordinance"), Miami Beach City Code § 86-143, violated the federal Equal Protection Clause. The court properly found that Alkov lacks standing to bring suit under the Ordinance, which creates rights in non-profit organizations only. Alkov, a self-described vendor and independent contractor, clearly does not fit that description,[FN1] and he offers no reason why his should be one of those " exceptional cases where plaintiffs are permitted to raise the rights of others." *Wolff v. Cash 4 Titles,* 351 F.3d 1348, 1357 (11th Cir.2003). On appeal, Alkov attempts to escape this conclusion by arguing that the Ordinance applies to commercial vendors like himself as well as to non-profit organizations. This reading manifestly contradicts the Ordinance's unambiguous language and express intent. *See* Miami Beach City Code § 86-141 and accompanying section on "Applicability of [the] Article." Finally, we agree with the district court that Alkov still would lack standing even if the ordinance applied to commercial vendors, because the only applications whose rejection he contests were submitted on behalf of non-profit organizations.

FN1. As the district court correctly noted, " Nowhere has Plaintiff alleged that he is a nonprofit organization within the meaning of the Ordinance. Plaintiff does not assert that he has an interest in distributing books, literature, and message-bearing merchandise in furtherance of promoting his nonprofit organization or that he intended personally to make use of the denied permits."

AFFIRMED.

C.A.11 (Fla.),2006.
Alkov v. City of Miami Beach
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Briefs and Other Related Documents (Back to top)

- 2006 WL 2840352 (Appellate Brief) Reply Brief for Appellant (Apr. 3, 2006)
- 2006 WL 2840351 (Appellate Brief) Brief of Appellee City of Miami Beach (Mar. 1, 2006)
- 2005 WL 4798580 (Appellate Brief) Brief of the Appellant Jacob Alov (Dec. 23, 2005)
- 05-15696 (Docket) (Oct. 17, 2005)

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KEYCITE

Alkov v. City of Miami Beach, 180 Fed.Appx. 903 (11th Cir.(Fla.), May 24, 2006) (Not selected for publication in the Federal Reporter) NO. 05-15696)

History

=> 1 **Alkov v. City of Miami Beach,** 180 Fed.Appx. 903 (11th Cir.(Fla.) May 24, 2006) (Not selected for publication in the Federal Reporter, NO. 05-15696)

Court Documents
Appellate Court Documents (U.S.A.)

C.A.11 Appellate Briefs

2 Jacob ALKOV, Plaintiff/Appellant, v. CITY OF MIAMI BEACH, Defendant/Appellee., 2005 WL 4798580 (Appellate Brief) (C.A.11 Dec. 23, 2005) **Brief of the Appellant Jacob Alov** (NO. 05-15696-II)

3 Jacob ALKOV, Appellant, v. CITY OF MIAMI BEACH, Appellee., 2006 WL 2840351 (Appellate Brief) (C.A.11 Mar. 1, 2006) **Brief of Appellee City of Miami Beach** (NO. 05-15696-II)

4 Jacob ALKOV, Appellant, v. CITY OF MIAMI BEACH, Appellee., 2006 WL 2840352 (Appellate Brief) (C.A.11 Apr. 3, 2006) **Reply Brief for Appellant** (NO. 05-15696-II)

Dockets (U.S.A.)

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5 JACOB ALKOV v. CITY OF MIAMI BEACH, NO. 05-15696 (Docket) (C.A.11 Oct. 17, 2005)

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